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RAUL IZAGUIRRE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

RAUL IZAGUIRRE,)	Case No.: 8:15-cv-1550
)	
Plaintiff,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
v.)	
)	(Unlawful Debt Collection Practices)
GC SERVICES, LP,)	
)	
Defendant.)	

RAUL IZAGUIRRE (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against GC SERVICES, LP (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
- Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 *et seq.* (RFDCPA).

JURISDICTION AND VENUE

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state law claims contained herein.

1 4. Defendant conducts business in the state of California; therefore, personal jurisdiction is
2 established.

3 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

4 **PARTIES**

5 6. Plaintiff is a natural person residing in Huntington Beach, Orange County, California.

6 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to
7 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5)
8 and Cal. Civ. Code § 1788.2(h).

9 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.
10 Code §1788.2(c), and sought to collect a consumer debt from Plaintiff.

11 9. Defendant is a national company with offices in Houston, Texas.

12 **FACTUAL ALLEGATIONS**

13 10. Defendant places collection telephone calls to Plaintiff in an attempt to collect an alleged
14 debt.

15 11. Plaintiff's alleged debt arises from transactions for personal, household, and/or family
16 purposes.

17 12. Defendant places collection calls to Plaintiff at 714-235-00XX.

18 13. Defendant places collection calls from numbers including, but not limited to, 562-533-
19 0470.

20 14. In or around 2015, Defendant placed a collection call to Plaintiff and left a voicemail
21 message.

22 15. In the voicemail message, Defendant's representative failed to disclose the name of the
23 company placing the call, failed to state that the call was being placed by a debt collector,
24 and failed to state that the call was being placed to collect an alleged debt. *See* Transcribed
25 Voicemail Message attached hereto as Exhibit "A."

1 16. In the voicemail message, Defendant's representative directed Plaintiff to return the call
2 to 866-607-9090, which is a number that belongs to Defendant. *See* Exhibit "A."

3 17. Defendant is using false, deceptive and misleading means in connection with attempting
4 to collect a debt by not identifying the purpose of its phone calls or that they are an attempt
5 to collect a debt.

6 **COUNT I**
7 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

8 18. Defendant violated the FDCPA based on the following:

9 a. Defendant violated §1692d(6) of the FDCPA by placing collection calls to Plaintiff
10 without meaningful disclosure of the caller's identity.

11 b. Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its
12 communications with Plaintiff that the communication was from a debt collector.

13 WHEREFORE, Plaintiff, RAUL IZAGUIRRE, respectfully requests judgment be entered
14 against Defendant, GC SERVICES, LP, for the following:

15 19. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15
16 U.S.C. 1692k;

17 20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
18 15 U.S.C. 1692k;

19 21. Any other relief that this Honorable Court deems appropriate.

20 **COUNT II**
21 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
22 **PRACTICES ACT**

23 22. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as
24 the allegations in Count II of Plaintiff's Complaint.

25 23. Defendant violated the RFDCPA based on the following:

a. Defendant violated §1788.17 of the RFDCPA by continuously failing to comply

1 with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692.

2 WHEREFORE, Plaintiff, RAUL IZAGUIRRE, respectfully requests judgment be entered
3 against Defendant, GC SERVICES, LP, for the following:

4 24. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices
5 Act, Cal. Civ. Code §1788.30(b),

6 25. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
7 Practices Act, Cal. Civ Code § 1788.30(c), and

8 26. Any other relief that this Honorable Court deems appropriate.

9
10 RESPECTFULLY SUBMITTED,

11 DATED: September 25, 2015

KROHN & MOSS, LTD.

12
13 By: /s/Ryan Lee

14 Ryan Lee
15 Attorney for Plaintiff
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